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Opening statement
Rep. Dennis J. Kucinich, Chairman
Domestic Policy Subcommittee
Oversight and Government Reform Committee

Assessing the Environmental Risks of the
Water Bottling Industry's Extraction of Groundwater

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If we give any real thought when opening a bottle of spring water, maybe it is to congratulate ourselves on our healthy choice or to dream of a shrinking waistline. But it may come as a surprise that virtually every aspect of the bottling industry's extraction of groundwater—how much water to pump and from where to pump it, the effects of pumping on the surrounding environment, and who should have the authority to make pumping decisions—is often hotly contested.

For a variety of reasons, bottled water is not like any other commodity and the protection of our nation's groundwater, often understood as held in public trust, involves many crucial issues of public interest. Some of these issues will not be our main focus today: such as concerns about bottled water quality, the profit earned off water even as the public water infrastructure is neglected, damage caused by the manufacture and disposal of the bottles, and the propriety of transferring water resources out of a region or out of the country. Instead, we will focus on the environmental effects of bottling on local communities.

The domestic bottled water industry—which includes both distilled municipal water and spring water—has seen remarkable growth. Last year, Americans spent more than \$10 billion on bottled water, which translates to an average annual consumption of 27 gallons per person—double the amount consumed just five years ago. This growth has been a boon to the industry. The largest bottler is Nestle Waters of North America, which, through rapid industry consolidation, now controls 32% of the domestic market through its fourteen different brands.

Because of the growing market for bottled water, bottlers are constantly looking for untapped watersheds in relatively undeveloped rural communities, which disproportionately bear the brunt of pumping's environmental impacts. As our groundwater hydrologist will explain, for every gallon of water pumped out of groundwater, there is one gallon of water lost to streams in the watershed. If the pumped water is not recharged, there is a real danger of "groundwater mining," which the U.S. Geological Service describes as "a prolonged and progressive decrease in the amount of water stored in a ground-water system." Moreover, high capacity bottled water extraction in headwater locations can cause large percentage reductions in the flow of streams and rivers and depletion of watersheds.

Bottlers may seek out private landowners or directly contract with a municipality to obtain groundwater rights for years or decades. The issue is complicated by the fact that many rural communities have an interest in the economic activity that has been promised by the water bottlers, and indeed some communities support the location of bottling plants. Obviously, aside from pure economic incentives, certain interests of the water bottling industry are aligned with those of the local communities: both have an interest in protecting the pristine water sources. In other respects, however, these interests of bottlers and communities may diverge, such as the downstream effects on surface waters, or the long-term visions of development and conservation. Today, we will hear from representatives of citizens groups that have opposed the location of bottling plants in their communities: on the slopes of Mount Shasta in California, in Michigan, and in rural New Hampshire. They have often been frustrated by a complex patchwork of laws that they believe does not adequately protect the public interest.

Traditionally, the vast majority of groundwater consumption is used for agriculture, mining, and non-bottled, municipal water, and groundwater use has been mainly regulated by the states. Under the common law, groundwater has largely been regarded as a resource that can be extracted by anyone who owns the land above an aquifer or a spring. The common law was formulated before modern science understood the connections between groundwater and surface water and before the advent of large-scale mechanized pumping. As a result, it provides little protection for conservation. Given the toothless nature of the common law, it is not surprising that states have enacted more comprehensive regulatory systems governing groundwater extraction. These come in a variety of forms. Some states like New Hampshire have enacted comprehensive laws, and we will also hear about new legislation passed in Maine and Michigan. These laws, at best, address the connection between groundwater and surface waters, mandate participation among those affected by pumping, and call for increasing levels of scrutiny for larger withdrawals. At worst, state laws are woefully inadequate.

Although groundwater management is mostly a state concern—and many of the important decisions about locating a particular plant are local, the federal government does have a role. For years, scientists and policymakers have called on better funding for the U.S. Geological Service so that they can map and monitor groundwater and its connection to surface water. The federal government could, but generally hasn't, taken other steps to prod the states to better groundwater management. There is also an issue whether federal agencies adequately enforce federal protections, such as the Clean Water Act, the Wild and Scenic Rivers Act, and the Environmental Protection Act, that are triggered when surface waters are imperiled by groundwater extraction. Finally, there is a concern that the Food and Drug Administration's

definition of spring water, which purports to ensure water quality, actually creates incentives for pumping at the most environmentally damaging sites. As far as I am aware, this is the first Congressional hearing on many of these issues, and it is my hope that the hearing will aid the reform process at all levels of government.